

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOSEPH L. NICKOLS,

Plaintiff,

V.

STEVE MANSFIELD, et al.,

## Defendants.

CASE NO. C13-5942BHS-JRC

## ORDER ADOPTING REPORT AND RECOMMENDATION

10 This matter comes before the Court on the Report and Recommendation (“R&R”)  
11 of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 56. The Court  
12 having considered the R&R and the remaining record, and no objections having been  
13 filed, does hereby find and order as follows:

(1) The R&R is **ADOPTED**; and

(2) The Court dismisses this action with prejudice for failure to exhaust

16 administrative remedies. The dismissal is with prejudice because Plaintiff cannot now  
17 raise his issues in the jail grievance system as his issues would be time barred.

Dated this 20th day October, 2014.

  
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**BENJAMIN H. SETTLE**  
United States District Judge